

RESOLUTION NO. 20191205-079

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City to acquire certain real property interests for public uses as set out below; and

WHEREAS, the City has attempted to purchase those needed real property interests, but has been unable to agree with the owner on the value of the property interest, or the damages, if any; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City against the owner now having, or who may acquire, an interest in the real property interests necessary to the City, described below, for the public uses set out below, and to take whatever other action may be deemed appropriate to effect the necessary acquisitions.

BE IT FURTHER RESOLVED:

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners: Bluff Springs Food Mart, Inc., A Texas corporation

Project: Austin Energy Circuit 811 Upgrade Parcel 44 Project

Public Use: For upgrading the capacity of the overall electric system, and ensuring the distribution of safe and reliable electric services to the community. An easement and right of way along, over, under, and across that portion of the Property bounded and described on Exhibit A and shown on Exhibit B, attached hereto and incorporated herein (the "Easement"), to place, construct, reconstruct, install, operate, repair, maintain, inspect, replace, upgrade or remove (in whole or in part) electric transmission, distribution and electric telecommunications lines and systems; and all necessary or desirable appurtenances and structures (the "Facilities"), in the Easement, and to cut or trim trees and shrubbery and to remove obstructions as necessary to keep them clear of the Facilities and permit unimpeded access to the Facilities.

Location: 8911 North Lamar Boulevard, Austin, Travis County, Texas 78753

The general route of the project is along the east side of N. Lamar Blvd. from the Justin Lane Substation on North Lamar Blvd. crossing Lamar Blvd. at Wagon Trail Road from there the circuit traverses the North Park Estates and Gracywoods neighborhoods until it reaches the McNeil Substation on Knollpark Drive, in Austin, Travis County, Texas. (District 4).

Property: Described in the attached and incorporated Exhibit A and B.

ADOPTED: December 5, 2019

ATTEST:



Jannette S. Goodall
City Clerk

EXHIBIT "A"

PAGE 1 OF 4



Landesign Services, Inc.

1220 McNeil Road
Suite 200
Round Rock, Texas 78681
Firm Registration No. 10001800
512-238-7901 office
512-238-7902 fax

PROPERTY DESCRIPTION PARCEL 44

BEING A 0.043 OF ONE ACRE (1875 SQUARE FEET) PARCEL OF LAND SITUATED IN THE J. APPEGAIT SURVEY, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 10-A, RESUBDIVISION OF LOT 10, BLOCK A, NORTH LAMAR PARK SECTION ONE, RECORDED IN VOL. 24, PG. 44 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 10-A BEING DESCRIBED IN WARRANTY DEED VENDOR'S LIEN TO BLUFF SPRINGS FOOD MART, INC., RECORDED IN DOCUMENT NO. 2004208608 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. SAID 0.043 OF ONE ACRE (1875 SQUARE FEET) PARCEL BEING SHOWN ON THE ATTACHED SKETCH I LABELED EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rebar with cap stamped "HOLT CARSON" (Grid Coordinates: N=10103712.740, E=3127108.576) found for the most Westerly corner of said Lot 10-A and the most Northerly corner of Lot 10-E, NORTH LAMAR PARK COMMERCIAL AREA, recorded in Vol. 30, Pg. 32 of said Plat Records, also being in the existing Easterly right-of-way line of North Lamar Boulevard (R.O.W. Varies), from which a 1/2-inch iron rebar with illegible cap found for the most Westerly corner of Lot 10-D, of said NORTH LAMAR PARK COMMERCIAL AREA and the most Northerly corner of a called 1.876 acre tract of land described in a General Warranty Deed to Nga K. Nguyen and Thanh P. Do, recorded in Document No. 2013133157 of said Official Public Records, also being in said existing Easterly right-of-way line of North Lamar Boulevard, bears Southwesterly along a curve to the right having a radius of 1601.24 feet, an arc length of 115.69 feet, a delta angle of 04°08'23", and a chord which bears South 27°24'12" West a distance of 115.67 feet;

THENCE coincident with the common dividing line of said Lot 10-A and said existing Easterly right-of-way line of North Lamar Boulevard, the following two (2) courses and distances:

1. Northeasterly along a curve to the left having a radius of 1601.24 feet, an arc length of 11.52 feet, a delta angle of 00°24'44", and a chord which bears North 25°08'12" East a distance of 11.52 feet to a Calculated Point not set for a Point of Tangency; and

EXHIBIT "A"

PAGE 2 OF 4

2. **North 24°56'12" East** a distance of **113.45** feet to a Calculated Point not set for the most Northerly corner of said Lot 10-A and being at the intersection of said existing Easterly right-of-way line of North Lamar Boulevard with the existing Southerly right-of-way line of Carpenter Avenue (50' R.O.W., as shown on Vol. 15, Pg. 33 of said Plat Records);

THENCE **South 62°26'54" East** departing said existing Easterly right-of-way line of North Lamar Boulevard, coincident with the common dividing line of said Lot 10-A and said existing Southerly right-of-way of Carpenter Avenue, a distance of **15.02** feet to a Calculated Point not set for the most Easterly corner of the herein described tract;

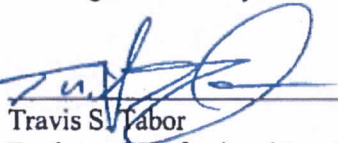
THENCE departing said existing Southerly right-of-way of Carpenter Avenue, over and across said Lot 10-A the following two (2) courses and distances:

1. **South 24°56'12" West** a distance of **112.76** feet to a Calculated Point not set for a Point of Curvature of a curve to the right; and
2. Southwesterly along said curve to the right having a radius of **1616.24** feet, an arc length **12.27** feet, a delta angle of **00°26'05"**, and a chord which bears **South 25°08'53" West** a distance of **12.27** feet to a Calculated Point not set in the Southwest line of said Lot 10-A and the Northeast line of said Lot 10-E;

THENCE **North 62°12'48" West** coincident with the common dividing line of said Lot 10-A and said Lot 10-E, a distance of **15.01** feet to the **POINT OF BEGINNING** and containing 0.043 of one acre of land (1875 Square Feet) more or less.

All bearings shown hereon are based on the Texas State Plane Coordinate System (SPCS), Central Zone (4203), NAD83 (2011 Adjustment). All distances and coordinates shown hereon are grid values represented in U.S. Survey Feet.

This property description is accompanied by a separate plat of even date and was prepared by an on the ground survey made under my supervision during the month of October, 2016.


Travis S. Tabor
Registered Professional Land Surveyor
State of Texas No. 6428

01/27/2017
Date



Job Number: 16-006_811 Upgrade

Attachments: Survey Drawing: L:\City of Austin\811 Upgrade\DWGS\Parcels\16006_Parcel 44



GRAPHIC SCALE

EXHIBIT "B"

SEE SHEET 4 FOR LEGEND AND
TITLE COMMITMENT NOTES

Curve Table					
Curve #	Radius	Length	Delta	Chord Bearing	Chord
C1	1601.24'	115.69'	4°08'23"	S27° 24' 12"W	115.67'
C2	1601.24'	11.52'	0°24'44"	N25° 08' 12"E	11.52'
C3	1616.24'	12.27'	0°26'05"	S25° 08' 53"W	12.27'
(C2)	1601.24'	11.52'		N27° 41'E	11.52'

Line Table		
Line #	Direction	Length
L1	S62° 26' 54"E	15.02'
L2	N62° 12' 48"W	15.01'

POLE
#347777

LOT A
RESUBDIVISION OF
LOTS 1,2,&3, BLOCK D,
NORTH LAMAR PARK
SECTION THREE
VOL. 59, PG. 16
P.R.T.C.T.

CARPENTER AVENUE
(50' R.O.W. - VOL. 15, PG. 33)

PARCEL 44
0.043 OF
ONE ACRE
(1875 SQ. FT.)

P.O.B.
GRID COORDS
N=10103712.740
E=3127108.576
HOLT CARSON

POLE
#303069

RESUBDIVISION OF
LOT 10, BLOCK A,
NORTH LAMAR PARK
SECTION ONE
VOL. 24, PG. 44
P.R.T.C.T.

10-A
BLUFF SPRINGS
FOOD MART, INC.
DOC. 2004208608
O.P.R.T.C.T.

10-C

5' EASEMENT
CITY OF AUSTIN
VOL. 3863, PG. 2081
D.R.T.C.T.

J. APPELGAIT
SURVEY

NORTH LAMAR BOULEVARD
(R.O.W. VARIES)

NGA K. NGUYEN AND
THANH P. DO
1.876 ACRES
DOC. NO. 2013133157
O.P.R.T.C.T.

TRAFFIC SIGNAL

ILLEGIBLE

NORTH LAMAR PARK
COMMERCIAL AREA
VOL. 30, PG. 32
P.R.T.C.T.

JOB NUMBER: 16-006	DATE: 01/27/2017
PROJECT NAME: 811 UPGRADE	
DRAWING NAME: 16006_PARCEL 44	
DRAWING FILE PATH: L:\City of Austin\811 Upgrade\DWGS\Parcels	
FIELDNOTE FILE PATH: L:\City of Austin\811 Upgrade\Metes and Bounds	
RPLS: TST	TECH: DH
PARTYCHIEF: JA	CHK BY: JB
SHEET 03 of 04	FIELD BOOKS: 265/267
SCALE: 1" = 50'	



LANDESIGN
SERVICES, INC.

512-238-7901
1220 MCNEIL ROAD
SUITE 200
ROUND ROCK, TEXAS 78681
FIRM REGISTRATION NO. 10001800

COMMITMENT FOR TITLE INSURANCE PROVIDED BY:

CHICAGO TITLE INSURANCE COMPANY

GF NO.: 1619581-KFO

ISSUE DATE: JUNE 16, 2016 - EFFECTIVE DATE: JUNE 8, 2016

ONLY THOSE ITEMS LISTED IN SCHEDULE B OF THE ABOVE REFERENCED COMMITMENT FOR TITLE INSURANCE WERE REVIEWED FOR THE PURPOSE OF THIS SURVEY. NO ADDITIONAL RESEARCH WAS PERFORMED BY THIS SURVEYOR. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS, OR OTHER ENCUMBRANCES WHICH AFFECT THIS SURVEY THAT ARE NOT KNOWN TO THIS SURVEYOR.

THIS TRACT IS SUBJECT TO RESTRICTIVE COVENANTS RECORDED IN VOL. 15, PG. 33 AND VOL. 24, PG. 44, PLAT RECORDS OF TRAVIS COUNTY, TEXAS; AND IN VOL. 2469, PG. 150, DEED RECORDS OF TRAVIS DOES COUNTY, TEXAS DOES NOT APPLY TO LOT 10.

SCHEDULE B EXCEPTIONS:

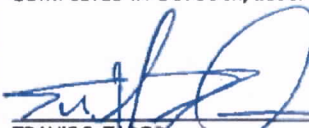
- 10a. EASEMENT RECORDED IN VOL. 2469, PG. 150, DEED RECORDS OF TRAVIS COUNTY, TEXAS. LOT 10 EXCLUDED IN DOCUMENT - DOES NOT AFFECT.
- 10b. BUILDING SETBACK LINES AS SET FORTH IN VOL. 2469, PG. 150, DEED RECORDS OF TRAVIS COUNTY, TEXAS. LOT 10 EXCLUDED IN DOCUMENT - DOES NOT AFFECT.
- 10c. 5' PUBLIC UTILITY EASEMENT ALONG THE REAR PROPERTY LINE AS SHOWN ON RECORDED PLAT AND DEDICATION. SHOWN HEREON - DOES NOT AFFECT.
- 10d. BUILDING SETBACK LINES AS SHOWN ON THE RECORDED PLAT AND DEDICATION. NOTED AND SHOWN HEREON.
- 10e. ANY AND ALL EASEMENTS, BUILDING LINES AND CONDITIONS, COVENANTS AND RESTRICTIONS AS SET FORTH IN PLAT RECORDED IN VOL. 15, PG. 33, PLAT RECORDS OF TRAVIS COUNTY, TEXAS. NOTED AND SHOWN HEREON.
- 10f. EASEMENT GRANTED TO THE CITY OF AUSTIN, RECORDED IN VOL. 3863, PG. 2081, DEED RECORDS OF TRAVIS COUNTY, TEXAS. SHOWN HEREON.
- 10g. NOT A SURVEY MATTER.
- 10h. NOT A SURVEY MATTER.
- 10i. NOT A SURVEY MATTER.
- 10j. NOT A SURVEY MATTER.
- 10k. NOT A SURVEY MATTER.
- 10l. ANY VISIBLE AND APPARENT EASEMENT, EITHER PUBLIC OR PRIVATE, LOCATED ACROSS THE LAND, THE EXISTENCE OF WHICH IS NOT DISCLOSED BY THE PUBLIC RECORDS AS HEREIN DEFINED. NOTED HEREON.
- 10i. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE SURVEY OF THE LAND. NOTED HEREON.

THIS PROJECT IS REFERENCED FOR ALL BEARING AND COORDINATE BASIS TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83 - 2011 ADJUSTMENT), CENTRAL ZONE (4203).

DISTANCES SHOWN HEREON ARE GRID VALUES REPRESENTED IN U.S. SURVEY FEET.

THIS SURVEY PLAT ACCOMPANIES A METES AND BOUNDS DESCRIPTION OF EVEN DATE.

THIS MAP WAS PREPARED FROM AN ON-THE-GROUND SURVEY PERFORMED UNDER MY DIRECT SUPERVISION. THE FIELD WORK WAS COMPLETED IN OCTOBER, 2016.


 TRAVIS S. TABOR
 REGISTERED PROFESSIONAL LAND SURVEYOR
 STATE OF TEXAS - NO. 6428

01/27/2017
 DATE



LEGEND

- ★ COTTON SPINDLE FOUND (OR AS NOTED)
- TX.D.O.T. TYPE I MONUMENT FOUND
- TX.D.O.T. TYPE II MONUMENT FOUND
- IRON REBAR FOUND (1/2" OR AS NOTED)
- IRON PIPE FOUND (1/2" OR AS NOTED)
- ⊙ IRON REBAR FOUND WITH CAP (STAMPED AS NOTED)
- ▲ NAIL FOUND (PK OR AS NOTED)
- △ CALCULATED POINT NOT SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- O.R.T.C.T. OFFICIAL RECORDS OF TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS OF TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- C.R.T.C.T. CONDOMINIUM RECORDS OF TRAVIS COUNTY, TEXAS
- R.O.W. RIGHT-OF-WAY
- P.U.E. PUBLIC UTILITY EASEMENT
- U.E. UTILITY EASEMENT
- B.L. BUILDING LINE
- (S45°E 45') RECORD INFO. PER TRAVIS COUNTY

LEGEND

- CO WASTEWATER CLEANOUT
- W WATER METER
- WV WATER VALVE
- ICV IRRIGATION CONTROL VALVE
- UN UNKNOWN MANHOLE
- PB ELECTRIC PULLBOX
- M MAILBOX
- G GUARDRAIL
- IF IRON FENCE
- OHE OVERHEAD ELECTRIC
- EM ELECTRIC MISC.
- EM ELECTRIC MANHOLE
- P POLE
- PP POWER POLE
- SP SIGN POST
- W WATER METER
- FH FIRE HYDRANT
- BP BOLLARD
- T TELEPHONE MANHOLE
- TEL TELEPHONE PEDESTAL
- CM CABLE MARKER
- CONC. CONCRETE
- ASPH. ASPHALT
- PKG. PARKING AREA
- E.P. EDGE OF PAVEMENT
- B.O.C. BACK OF CURB



LANDESIGN SERVICES, INC.

512-238-7001
 1220 MCNEIL ROAD
 SUITE 200
 ROUND ROCK, TEXAS 78681
 FIRM REGISTRATION NO. 10001800

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FIELDNOTE FILE PATH: L:\City of Austin\811 Upgrade\FIELD\Field to Office\FNs	
RPLS: TST TECH: DH PARTYCHIEF: JA CHK BY: JB	
SHEET 04 of 04	FIELDBOOKS: 265/267 SCALE: 1" = 50'

**Proposed Electric Transmission
and Distribution Easement
for
Austin Energy Transmission
Circuit 811 Upgrade**

**Owner: Bluff Springs Food Mart Inc
- Parcel #44**

Location: 8911 N Lamar Blvd



Parcels



Proposed Easement

2018 Aerial Imagery, City of Austin



N



*AE Public Involvement
& Real Estate Services*

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This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by AUSTIN ENERGY for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Produced by ECervantes 7/19/2019

